

222.7300

equipment maintenance services to be performed in Italy.

(c) Use the clause at 252.222-7004, Compliance with Spanish Social Security Laws and Regulations, in solicitations and contracts for services or construction to be performed in Spain.

[62 FR 34122, June 24, 1997, as amended at 70 FR 35545, June 21, 2005]

Subpart 222.73—Limitations Applicable to Contracts Performed on Guam

SOURCE: 64 FR 52672, Sept. 30, 1999, unless otherwise noted.

222.7300 Scope of subpart.

- (a) This subpart implements—
 - (1) 10 U.S.C. 2864; and
 - (2) Section 390 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85).
- (b) This subpart applies to—
 - (1) Contracts for military construction projects on Guam; and
 - (2) Contracts for base operations support on Guam that—
 - (i) Are awarded as a result of a competition conducted under OMB Circular A-76; and
 - (ii) Are entered into or modified on or after November 18, 1997.

222.7301 Prohibition on use of non-immigrant aliens.

(a) Any alien who is issued a visa or otherwise provided nonimmigrant status under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)) is prohibited from performing work under a contract for—

- (1) A military construction project on Guam; or
 - (2) Base operations support on Guam.
- (b) Lawfully admitted citizens of the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau are not subject to the prohibition in paragraph (a) of this section.

222.7302 Exception.

The prohibition in 222.7301(a)(1) does not apply to a military construction project if—

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(a) There is no acceptable offer in response to a solicitation for the project;

(b) The Secretary concerned makes a determination that the prohibition is a significant deterrent to obtaining offers on the project; and

(c) Another solicitation is issued for the project.

222.7303 Contract clause.

Use the clause at 252.222-7005, Prohibition on Use of Nonimmigrant Aliens-Guam, in solicitations and contracts subject to this subpart, except those issued in accordance with 222.7302.

PART 223—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORK-PLACE

Subpart 223.3—Hazardous Material Identification and Material Safety Data

- Sec.
- 223.300 Scope of subpart.
 - 223.302 General.
 - 223.303 Contract clause.
 - 223.370 Safety precautions for ammunition and explosives.
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 - 223.370-4 Procedures.
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Subpart 223.4—Use of Recovered Materials

- 223.405 Procedures.

Subpart 223.5—Drug-Free Workplace

- 223.570 Drug-free work force.
 - 223.570-1 Definitions.
 - 223.570-2 Policy.
 - 223.570-3 General.
 - 223.570-4 Contract clause.

Subpart 223.8—Ozone-Depleting Substances

- 223.803 Policy.

Subpart 223.70 [Reserved]

Subpart 223.71—Storage and Disposal of Toxic and Hazardous Materials

- 223.7100 Policy.
- 223.7101 Procedures.
- 223.7102 Exceptions.

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223.7103 Contract clause.

Subpart 223.72—Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives

223.7200 Definition.

223.7201 Policy.

223.7202 Preaward responsibilities.

223.7203 Contract clause.

AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36365, July 31, 1991, unless otherwise noted.

Subpart 223.3—Hazardous Material Identification and Material Safety Data

223.300 Scope of subpart.

DoD procedures for use in acquisitions involving ammunition and explosives are in 223.370.

223.302 General.

(b) Successful offerors are also required to submit hazard warning labels under the clause at 252.223-7001, Hazard Warning Labels.

(e) The contracting officer shall also provide hazard warning labels received from apparent successful offerors to the cognizant safety officer or other designated official in order to facilitate—

(i) Inclusion of relevant data in the department/agency's material safety data sheet information system or label information system; and

(ii) Other control, safety, or information purposes.

[56 FR 67215, Dec. 30, 1991]

223.303 Contract clause.

Use the clause at 252.223-7001, Hazard Warning Labels, in solicitations and contracts which require submission of hazardous material data sheets (see FAR 23.302(c)).

[56 FR 67215, Dec. 30, 1991]

223.370 Safety precautions for ammunition and explosives.

223.370-1 Scope.

(a) This section applies to all acquisitions involving the use of ammunition and explosives, including acquisitions for—

- (1) Development;
 - (2) Testing;
 - (3) Research;
 - (4) Manufacturing;
 - (5) Handling or loading;
 - (6) Assembling;
 - (7) Packaging;
 - (8) Storage;
 - (9) Transportation;
 - (10) Renovation;
 - (11) Demilitarization;
 - (12) Modification;
 - (13) Repair;
 - (14) Disposal;
 - (15) Inspection; or
 - (16) Any other use, including acquisitions requiring the use or the incorporation of materials listed in paragraph (b) of this subsection for initiation, propulsion, or detonation as an integral or component part of an explosive, an ammunition, or explosive end item or weapon system.
- (b) This section does not apply to acquisitions solely for—
- (1) Inert components containing no explosives, propellants, or pyrotechnics;
 - (2) Flammable liquids;
 - (3) Acids;
 - (4) Oxidizers;
 - (5) Powdered metals; or
 - (6) Other materials having fire or explosive characteristics.

223.370-2 Definition.

Ammunition and explosives, as used in this section, is defined in the clause at 252.223-7002, Safety Precautions for Ammunition and Explosives.

223.370-3 Policy.

(a) DoD policy is to ensure that its contractors take reasonable precautions in handling ammunition and explosives so as to minimize the potential for mishaps that could—

- (1) Interrupt DoD operations;
 - (2) Delay project or product completion dates;
 - (3) Adversely impact DoD mission readiness, production base, or production capabilities;
 - (4) Damage or destroy DoD property; or
 - (5) Cause injury to DoD personnel.
- (b) This policy is implemented by DoD Manual 4145.26-M, DoD Contractors' Safety Manual for Ammunition